



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/782,963

02/23/2004

Denny Chiu

16813-5US

7567

20988

7590

11/02/2006

OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

EXAMINER

KARIKARI, KWASI

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,963

Applicant(s)

CHIU ET AL.

Examiner

Kwasi Karikari

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) 2 (canceled) is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. Claim 2 has been canceled.

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 3-20 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that Martinez (U.S. 20020142792 A1), (hereinafter Martinez) fails to teach the claimed features "wherein the device is capable of tracking both a time parameter and location parameter enabling the user to define any arbitrary switch condition by direct specifying a least one of the time parameter and location parameter", in claims 1, 10 and 20, the examiner maintains that such amended claimed languages are taught by Martinez.

First of all claim 1 does not claim true location using GPS, as argued. Claim 1 claims only a "location parameter" which reads on detecting movement from the public to private network (see Par. [0022]).

Secondly, Martinez directly specifies the switch condition when the user directly enters the user preference information, as discussed in Pars. [0021 and 0026].

Therefore the rejections made with Martinez are maintained and made Final.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3,5-12 and 14-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over Martinez (U.S. 20020142792 A1), (hereinafter Martinez)

Regarding **claims 1 and 20**, Martinez discloses a method for enabling a user of a mobile device to control notification of the events, the method comprising steps of:

enabling a user to temporarily select a first user notification profile defined by a first set of notification control options selected by the user of the mobile device (see Par. [0004 and 0005]), wherein the device is capable of tracking both a time parameter and location parameter enabling the user to define any arbitrary switch condition by direct specifying a least one of the time parameter and location parameter (triggers can be sensed including time of the day and location of the phone, see Pars. [0009 and 0021-23]); and

switching automatically to a second user notification profile (detection of two specified conditions results in changing of user preference information of home environment to work environment, see Par. [0022]; and cellular phone will operate to select user performance information corresponding to the meeting, see Par. [0023]) a switch condition defined by the user (meeting time period corresponds to the switching

condition, see Par. [0023]) is satisfied the second user notification profile being defined by preset notification control option (switching from audible ring tone to vibrate only, see Par. [0023]) and (see planned activity in Par. [0022]; scheduled meeting in Par. [0023]; method of selecting an operational of user preference information in Par. [0009] and user assigning various sensed conditions in Par. [0029]; whereby these cited paragraphs indicate that the specific conditions and the user preference information are assigned/selected by a user).

Regarding **claim 3**, Martinez discloses the method of claim 1 wherein said switch condition is defined in relationship with both the time and location parameters (condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Pars. [0009 and 0022]).

Regarding **claim 5**, Martinez discloses the method of claim 1 comprising storing the switch condition in association with one of the first and second user notification profiles to facilitate re-use of a stored switch condition (user's preference information such as ring tone and volume of the cellular is automatically selected when a specified condition is sensed, see Par. [0008]).

Regarding **claim 6**, Martinez discloses the method of claim 5 wherein defining the switch condition comprises accessing the stored switch condition for re-use (setting the meeting start and finish times, see Par. [0023]).

Regarding **claims 7-9**, Martinez's teaching of switching procedure from one profile to another and the corresponding automatic user preference settings such as ring volume, vibrate and ring tone (see Par. [0021 and 0023]), meets the claimed limitations of claims 7-9.

Regarding **claim 10**, Martinez discloses a mobile device for managing events, wherein the device is capable of tracking of time and location parameters (see Par. [0022]), the device comprising:

a user interface for the notification of the events, (user preference such as meeting hours, traveling times corresponds to user's notification options such as phone silent, ring tone and ring volume, see Par. [0021]); of the notification being controlled by a current one of a plurality of user notification, each profile being defined by notification options, said user interface comprising:

a profile switch component to automatically switch the current profile to the next profile selected from plurality of profiles in response to a switch condition being satisfied (Fig. 1 shows an example of switching from a home to a work and to a meeting profiles);

a profile enablement component to enable a user to select one of said profile to be temporarily activated as the current profile and to enable the user to define the condition that causes the current profile to switch to the next profile by directly specifying the switching condition in terms of at least one of the time and a location parameter (see Pars. [0009 and 0021-26] and Fig. 5A) and (see planned activity in

Par. [0022]; scheduled meeting in Par. [0023]; method of selecting an operational of user preference information in Par. [0009] and user assigning various sensed conditions in Par. [0029]; whereby these cited paragraphs indicate that the specific conditions and the user preference information are assigned/selected by a user).

Regarding **claim 11**, Martinez discloses the device of claim 10 wherein the profile enablement component enables the user to define switch conditions for more than one of said profiles (condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Par. [0009]).

Regarding **claim 12**, Martinez discloses the device of claim 11 wherein the profile enablement component defines switch conditions in response to both the time parameter and the device location parameter (condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Pars. [0009 and 0021]).

Regarding **claim 14**, Martinez discloses the device of claim 10 comprising a switch condition monitoring component to monitor the satisfaction of the switch condition to determine the automatic switching (user's preference is selected based on detection of movement into the public network, see Par. [0023]).

Art Unit: 2617

Regarding **claim 15**, Martinez discloses the device of claim 11, wherein the user interface is adapted to store the switch condition in association with one of the profiles to facilitate re-use of the switch condition (user's preference information such as ring tone and volume of the cellular is automatically selected when a specified condition is sensed, see Par. [0008]).

Regarding **claim 16**, Martinez discloses the device of claim 15 wherein the profile enablement component is adapted to access the stored switch condition for re-use (setting the meeting start and finish times, see Par. [0023]).

Regarding **claim 17**, Martinez discloses the device of claim 10, wherein the profile enablement component comprises a further switch condition that, if satisfied, automatically switches from next profile to a new next profile (moving from one of the user's preference to the next upon detection of a specific condition, see Fig. 1).

Regarding **claim 18**, Martinez discloses the device of claim 17 wherein the next profile is defined in accordance with a last profile enabled immediately prior to the current profile such that said profile switch component switches back to the last profile (cellular phone operates according to user's setting such as meeting, and at a specific time period, until switching to another setting at the end of the meeting, see Par. [0023]).

Regarding **claim 19**, as recited in claim 10, Martinez discloses the device, wherein the profile component can be programmed to temporarily activate one of the plurality of user notification profiles for a user-determined period of time (see Pars. [0009 and 0021-26] and Fig. 5A).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 13, are rejected under U.S.C. 103(a) as being unpatentable over Martinez in view of Moton, Jr. et al., (U.S. 7,116,977), (hereinafter Moton).

Regarding **claims 4 and 13**, as recited in claims 1 and 10, Martinez fails specifically to mention that the location parameter is defined using Global Positioning System.

However, Morton teaches GPS system (see col. 4, line 58- col. 5, line 61).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Moton with the system of Martinez for the benefit of achieving a system that includes GPS and GIS systems to provide redundancy, accuracy and reliability (see Moton, col. 5, lines 4-19).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chern et al., (U.S. 20020010000 A1) teaches a knowledge-based information retrieval system and method for wireless communication device.

Elsey et. al., (U.S. 20040259535 A1) teaches a technique for providing personalized information and communication services.

Andrew et. al. (U.S. 20040203656 A1) teaches a system and method for timed profile change on a mobile device.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

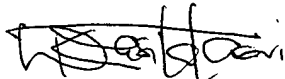
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2617

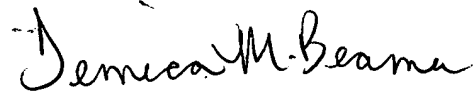
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kwasi Karikari
Patent Examiner.



TEMICA BEAMER
PRIMARY EXAMINER